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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,484	09/13/2004	Minoru Miyatake	042641	8538

38834 7590 06/02/2005

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EXAMINER

SPEER, TIMOTHY M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/507,484	MIYATAKE ET AL.	
	Examiner	Art Unit	
	Timothy M. Speer	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09-13-04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/13/04 has been considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, 4, 6-13 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims merely setting forth physical characteristics desired in an article, and not setting forth specific compositions which would meet such characteristics, are invalid as vague, indefinite, and functional, since they cover any conceivable combination of ingredients either presently existing or which might be discovered in the future and which would impart the desired characteristics. In the present case, the phrase "wherein the antireflection layer is made of at least two kinds of low refractive index materials satisfying a relationship of refractive index: $n_d^{20} \leq 1.49$ " is too broad and indefinite since it purports to cover everything which will perform the desired function regardless of its composition. Such recitation, in effect, recites compounds by what it is desired that they do rather than what they are. *Ex parte Slob*, 157 USPQ 172, 173.

In claims 4 and 16, it is unclear what is intended by the phrase "size of a short area." Clarification is requested.

In claim 11, it is unclear whether or not the antireflection film forms a part of the structure. It appears that the only the base layer is required. This appears, however, to be inconsistent with claims 19 and 20, which depend from claim 11. This uncertainty renders this claim indefinite.

With respect to claim 19 and 20, these claims recite that they include "the antireflection film according to Claim 11." It appears, however, as noted above, that claim 11 does not recite and antireflection film. This inconsistency renders these claims indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

6. Claims 1, 3-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi (USPN 4,904,525).

Tanaguchi discloses antireflective optical articles comprising a transparent base film, a hard coat layer comprising particles, and an antireflective layer which contains at least two kinds of low refractive index materials, e.g., a material having fluorine in a first area and a polysiloxane in another area (abstract; col. 2, ll. 35-48 & 55-65; col. 3, ll. 5-16 & 52-65; and examples 7 and 8, for instance). Additionally, Tanaguchi teaches methods of forming such articles. The antireflective layer is made of the same materials as disclosed in the present specification and, accordingly, would inherently exhibit the properties recited in instant claims 4, 9, 10, and 16.

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Regarding instant claims 11, 12, 13, 19 and 20, the limitation recited in the preambles is not being given significant patentable weight. The portion of the claim following the preamble does not rely on the preamble for completeness and, moreover, the preamble merely recites an intended use of the claimed article. The articles of Tanaguchi, having the same structure as presently claimed, could certainly serve such uses.

With respect to method claims 14 and 15, Tanaguchi discloses the method recited in claim 14 at, for instance, examples 1-8. Regarding claim 15, Tanaguchi teaches that mixed solvents may be employed as mixtures of alcohols and ketones (see the paragraph bridging columns 5 and 6, for instance). Given the small number of solvents disclosed by Tanaguchi, one having ordinary skill in the art would immediately envisage the presently claimed combination of ketone and alcohol and, accordingly, Tanaguchi is considered to anticipate the present method claims.

Conclusion

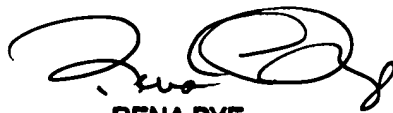
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Speer whose telephone number is 571-272-8385. The examiner can normally be reached on M-Th, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy M. Speer


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 stz/as